

**REMARKS**

Claims 1, 5 and 22 have been amended. Claims 1, 4, 5, and 22-24 are pending and under consideration. No new matter is presented in this Amendment. Claims 1 and 22 are the independent claims.

**DOUBLE PATENTING:**

Claims 1, 4, 5, and 22-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 15-21 of copending Application No. 10/831,372.

Since claims 1, 4, 5, and 22-24 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims 1, 4, 5, 22, 23, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gotoh et al. (U.S. Patent No. 6,581,167).

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary defect information and temporary defect management information are recorded, said temporary defect information comprising position information on a defect area and position information on a replacement area for replacing the defect area, and said temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded; and an access information area in which location information is recorded, said location information regarding an area in which updated

predetermined information is recorded, wherein the location information comprises a physical or logical address of the area in which the temporary defect information is recorded.

Gotoh discloses a defect management information area 101 including a number of replacement entries. Each of the replacement entries includes location information indicating the location of the defective sector and location information indicating the location of the spare sector replacing the defective sector (column 12, lines 37-50). In other words, Gotoh simply discloses a defect management information area including the location information of the defective and spare sectors.

Contrary to Gotoh independent claim 1 recites at least one temporary defect management area in which temporary defect information and temporary defect management information are recorded, said temporary defect information comprising position information on a defect area and position information on a replacement area for replacing the defect area, and said temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded

That is, the temporary defective management area provides two types of information, defect information and management information. Accordingly, Applicants respectfully assert that Gotoh fails to teach or suggest at least this novel feature of independent claim 1.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Accordingly, Applicants respectfully assert that the rejection of claims 1 and 22 under 35 U.S.C. § 103(a) should be withdrawn because Gotoh fails to teach or suggest each feature of independent claims 1 and 22.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5 and 23-24 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claims 1 and 22, respectively and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4-5 and 23-24 also distinguish over the prior art.

Claims 1, 4, 5, 22, 23, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shin (U.S. Patent No. 6,529,458).

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary defect information and temporary defect management information are recorded, said temporary defect information comprising position information on a defect area and position information on a replacement area for replacing the defect area, and said temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded; and an access information area in which location information is recorded, said location information regarding an area in which updated predetermined information is recorded, wherein the location information comprises a physical or logical address of the area in which the temporary defect information is recorded.

The Office Action states that Shin discloses an optical disc including at least one temporary defective management area in which temporary defect information and temporary defect management information are recorded. In particular the Office Action relies on FIGs.5 and 6, the defective management areas, DMA 1, DMA 2, DMA 3 DMA 4 and step 607 for such teachings. Applicants respectfully assert that Shin does not teach or suggest these novel features for the reasons noted below.

Shin discloses a method for managing a defective area of a rewritable optical recording medium, the method including transferring to a host, information of a defective area when the defective area is first encountered, writing the data intended for the defective area in an arbitrary area within the user area (also known as the data area) under the control of the control unit, and writing positional information about the defective area within the data area (column 5, lines 42-67 and column 6, lines 1-2). In other words, Shin discloses writing information about the defective area and positional information of the defective area in the user area. That is, Shin discloses writing the information in the user area.

Contrary to Shin, independent claim 1 recites at least one temporary defect management area in which temporary defect information and temporary defect management information are recorded. Therefore, independent claim 1 recites that both types of information are in the temporary defect management area and not in the user data area as taught by Shin. Accordingly, Applicants respectfully assert that Shin fails to teach or suggest at least this novel feature of independent claim 1.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some

substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Accordingly, Applicants respectfully assert that the rejection of claims 1 and 22 under 35 U.S.C. § 103(a) should be withdrawn because Shin fails to teach or suggest each feature of independent claims 1 and 22.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5 and 23-24 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claims 1 and 22, respectively and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4-5 and 23-24 also distinguish over the prior art.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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